

In the Claims

Please cancel claims 1-8 without prejudice or disclaimer.

R E M A R K S

Claims 1-8 are cancelled herein. Claims 9-17 and 19-20 are pending in the present application.

Rejections under 35 U.S.C. § 102

The Examiner rejected claim 9 under 35 U.S.C. 102(e) over U.S. Patent No. 5,910,782 to Schmitt et al. (hereinafter “Schmitt”). The Examiner erroneously indicated that all of the limitations as claimed are shown in Figure 1, col. 2, line 21 and col. 3, lines 1-54.

The referenced section of Schmitt recites “The on-board computer 31 includes a display monitor 32 for displaying maps (See FIG. 5) which aid the driver in navigating to available parking spaces in a selected area.... After the parking information lookup is completed, the information is transmitted by the central site computer 26 in a parking space availability message 40 to the vehicle 30 which requested the information. The transmission of the message 40 includes the ID of the requester as well as the area parking availability information. It is also possible to have the central site 25 transmit parking information for “all” areas in which the central site 25 maintains parking availability information, and to broadcast such information at constant intervals to all vehicles 30 in its area capable of processing it (i.e., those vehicles that comprise an on-board navigation computer 31). Upon receiving the parking space availability message 40 from the central site 25, the vehicle 30 on-board computer 31 will process the information and display it to the requester, via for example user friendly maps (51,52 – FIG. 5) viewable on monitor 32.

Accordingly, Schmitt does not anticipate integrating parking space availability data with map data at a central processor but rather requires each vehicle to have an on-board computer capable of such processing.

Applicant respectfully submits, that contrary to the Examiner's characterization, Schmitt does not teach or suggest "a processor system in communication with said at least one vehicle detector... wherein said processor system integrates said database with geographical map data including a geographical area of said parking spaces and generates a data structure which is capable of being displayed on a computer device as a graphical map...(and) wherein said processor system is further programmed and configured to quickly communicate updated graphical map data structures... to a network" as claimed in independent claim 9 or "integrating said space identifier data with digital street-map data ... and communicating said active street-map to a network" as claimed in independent claim 17.

Since Schmitt does not anticipate each element of independent claims 9 or 17, Applicant respectfully submits that the Examiner's rejections of claims 9 and 17 under 35 U.S.C. 102 are improper and should be withdrawn. Accordingly, Applicant respectfully request the Examiner to withdraw the rejections of independent claim 9 and claims 10-16 which ultimately depend therefrom and independent claim 17 and claims 19 and 20 which ultimately depend therefrom.

Rejections under 35 U.S.C. § 103

The Examiner rejected claims 11, 13-15, 17, and 19-20 under 35 U.S.C. 103(a) Schmitt. Applicant respectfully traverses the Examiner's rejections under 35 U.S.C. §103(a).

For the reasons set forth hereinbefore with respect to claims 9 and 17, Applicant respectfully submits that Schmitt alone or Schmitt combined with knowledge of persons having ordinary skill in the art does not teach or suggest each element of claims 9 and 17 from which each of the rejected claims depend.

Furthermore, with respect to claim 11, the Examiner asserted without specific references that "it would have been obvious to a person having ordinary skill in the art that the Internet can be used instead of the central site (25) to enable the computer (26) and an on-board computer (31) communicates to each other [SIC.] for exchanging information about parking availability." Applicant respectfully submits that persons having ordinary skill in the art at the time of the

present invention would not have knowledge of a processor system programmed and configured to communicate updated graphical map data structures to the internet as claimed in claim 11 without relying on impermissible hindsight.

Further with respect to claim 11, Applicant draws the Examiner's attention to U.S. Patent No. 6,501,391 B1 to Racunas, Jr. (hereinafter "Racunas"). Racunas discloses the use of the internet to communicate parking lot occupancy data wherein "the real-time representation may be in the form of a textual listing, a graphical map, a video image, an Internet Web page or similar form and may indicate occupied parking spaces as well as reserved parking spaces. ... a commuter can view a real time representation of a parking lot and can readily locate an available parking space or decide to search for parking elsewhere " (col. 5, lines 5-20). Since the disclosure of Racunas is only concerned with parking lot data there is no suggestion or motivation to integrate geographical map data as claimed in each of the pending claims in the present invention.

"In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art and not based on Applicant's disclosure." MPEP 2142 citing In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Since neither Schmitt taken alone or when combined with knowledge of persons having ordinary skill in the art teach or suggest each of the steps of claims 11, 13-15, 17, and 19-20 in the present application, Applicant respectfully submits that the Examiner has not made out a *prima facie* case of obviousness under 35 U.S.C. 103(a). Accordingly, Applicant submits that the Examiner's rejections of claims 11, 13-15, 17, and 19-20 under 35 U.S.C. 103(a) are improper and should be withdrawn.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below. The Examiner is invited and encouraged to telephone the undersigned with any concerns in furtherance of the prosecution of the present application.

The three month period for response to the Final Office Action expired on April 14, 2003. Please treat this paper as a petition to extend the time by two months. A check for a two month extension fee is enclosed herewith. Please charge any deficiency as well as any other fees which may become due at any time during the pendency of this application, or credit any overpayment of such fees to deposit account No. 50-0369. Also, in the event any additional extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge deposit account No. 50-0369 therefore.

Respectfully submitted,

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